

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARJORIE FERRELL, et al., : Case No. 1:01-cv-447
Plaintiffs, : Judge Sandra S. Beckwith
v. : Magistrate Judge Timothy S.
WYETH-AYERST LABORATORIES, : Hogan
INC., et al, :
Defendants :
:

ORDER

Plaintiffs' Motion for Leave to Add Additional Subclass 1 Representative (Doc. 125) was filed on March 11, 2005, a week beyond the deadline the Court established for Plaintiffs to identify additional subclass representatives. Plaintiffs only reason for the failure to adhere to the deadline is an unexplained delay in executing a retainer agreement. Plaintiffs have timely identified two representatives for Subclass 1: Mary D. Duda and Mary Seaworth. The possibility that Wyeth might successfully challenge these two representatives' qualifications to serve as representative plaintiffs for Subclass 1 is not a sufficient reason to grant Plaintiffs' motion.

The Court therefore DENIES Plaintiffs' Motion for Leave to Add Additional Subclass 1 Representative.

DATED: March 31th, 2005

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court